

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:10CR158
)	
v.)	
)	
CARLOS LOMELI and MANUEL)	ORDER
HERNANDEZ,)	
)	
Defendants.)	
)	

This matter is before the Court on the findings and recommendation (Filing No. [188](#)) and the supplemental findings and recommendation (Filing No. [203](#)) of the magistrate judge, recommending that the motion to suppress evidence filed by defendant Lomeli (Filing No. [142](#)) be granted in part and denied in part, and that the motion to suppress evidence filed by defendant Hernandez (Filing No. [158](#)) be granted.

Defendant Lomeli objects to the magistrate judge's findings and recommendation as to the legality of the search of said defendant's home (Filing No. [189](#)). This objection will be denied because the search warrant for the residence was not obtained as a result of the Nebraska wiretap.

Plaintiff filed objections to the magistrate judge's initial findings and recommendation (Filing No. [195](#)). These objections will be overruled as moot inasmuch as the magistrate judge reopened the record. No objections were filed to the

supplemental findings and recommendation, and they will be approved and adopted. Accordingly,

IT IS ORDERED:

- 1) The plaintiff's objections to the findings and recommendation of the magistrate judge are overruled as moot.
- 2) The findings and supplemental findings and recommendation of the magistrate judge are approved and adopted.
- 3) Defendants Lomeli's motion to suppress is granted in part; the motion to evidence obtained as the result of the October 22, 2009, Nebraska Wiretap is suppressed.
- 4) The motion to suppress evidence obtained from the search of defendant Lomeli's residence is denied.
- 5) Hernandez' motion to suppress is granted; the motion to suppress evidence obtained as the result of the October 22, 2009, Nebraska Wiretap is suppressed.
- 6) Trial of this matter is scheduled for:

Tuesday, March 15, 2011, at 9 a.m.

Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. To give the parties time to pursue plea negotiations or prepare for trial, and because of the schedule of the Court, the ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between February 8, 2011, and March 15, 2011, shall be deemed excludable

time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 8th day of February, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court